

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LESLIE A. KELLY.,

Plaintiff,

v.

GINTZLER GRAPHICS, et al.,

Defendants.

) CASE NO. 5:01 CV 563

)

) JUDGE JAMES S. GWIN

)

)

) **MOTION TO RESCHEDULE CASE**

) **MANAGEMENT CONFERENCE**

)

)

Plaintiff Leslie A. Kelly respectfully moves that the Case Management Conference in this Action set for Friday, May 4, 2001, at 11:30 a.m. be continued and rescheduled. The continuance and rescheduling are requested because lead counsel for plaintiff will at the scheduled time be out-of-town for a pre-planned, partially pre-paid trip that is part family vacation and part professional development. The details of this trip are set forth in Memorandum in Support below and in the Declaration of Raymond Rundelli submitted separately but contemporaneously herewith.

MEMORANDUM IN SUPPORT

On April 5, 2001, this Court electronically sent its Scheduling Order notifying all parties that the Case Management Conference was set for May 4, 2001, at 11:30 a.m. Pursuant to Local Rule

MOTION GRANTED.

Case Management Conference rescheduled to May 22, 2001, at 11:45 a.m.

s/ James S. Gwin

UNITED STATES DISTRICT JUDGE 4/13/01

16.3(b)(1) and the Court's Scheduling Order, lead counsel of record must attend and participate in the Conference.

Unfortunately, lead counsel for plaintiff, Raymond Rundelli, is currently scheduled to depart for San Francisco, California on a Continental Airlines flight departing Cleveland at 9:20 a.m. on Friday, May 4, 2001. Mr Rundelli is travelling to San Francisco with his wife for a weekend vacation and is scheduled to remain in San Francisco through Thursday, May 10, 2001 to attend the Annual Meeting of the International Trademark Association ("INTA"). Mr. Rundelli's attendance at this INTA meeting was arranged well before this Action was commenced and his travel plans were made prior to receiving notice of the Case Management Conference scheduled for May 4. This INTA meeting runs from Sunday, May 6, 2001 through Wednesday, May 9, 2001. Mr. Rundelli is flying on non-refundable tickets and his wife is flying on frequent flyer miles. Altering Mr. Rundelli's travel arrangement at this time will add to the expense of the trip and will cut into the short weekend vacation with his wife that he has arranged to precede the INTA meeting.

Mr. Rundelli has conferred with counsel for each of the three defendants, all of whom have indicated that they have no objection to rescheduling the Case Management Conference. A short continuance will have no undue effect on the progress of this Action and the continuance is requested in good faith and not for purposes of delay.

Accordingly, Plaintiff respectfully asks the Court to reschedule the Case Management Conference.

Respectfully submitted,

/s/ Raymond Rundelli
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CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Reschedule Case Management Conference and the Supporting Declaration has been sent by United States Mail, first class postage prepaid, on this 11th day of April, 2001 to: Bruce P. Mandel, Ulmer & Berne LLP, 1300 East Ninth Street, Cleveland, Ohio 44114-1583, counsel of record for Defendant Troyer Cheese, Inc.; Miles G. Lawlor, Ferrara, Fiorenza, Larrison & Barrett, 5010 Campuswood Drive, East Syracuse, New York, 13057, counsel of record for Defendant Gintzler Graphics, Inc.; and J. Michael Wood, Chamberlain, D'Amanda & Oppenheimer, 1600 Crossroads Building, Two State Street, Rochester, New York 14614, counsel of record for Defendant Yancey's Fancy, Inc.

/r/ Raymond Rundelli
Attorney for Plaintiff